

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

EDWARD H. KUBO, JR. #2499
United States Attorney
District of Hawaii

FLORENCE T. NAKAKUNI #2286
Chief, Narcotics Section

FEB 10 2004
at 1 o'clock and 53 min. PM
WALTER A.Y.H. CHINN, CLERK M.
WALTER A.Y.H. CHINN, CLERK

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Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	MAG. NO. 04-0128 LEK ✓
)	
Plaintiff,)	
)	
vs.)	MOTION TO DETAIN
)	DEFENDANT WITHOUT BAIL
ROCKY DEMELLO (01))	
)	
Defendant.)	
)	

MOTION TO DETAIN DEFENDANT WITHOUT BAIL

The United States hereby moves to detain Defendant
without bail, pursuant to 18 U.S.C. Section 3142.

1. **Eligibility Of Case.** This Defendant is eligible
for detention because the case involves (check all that apply):

- ☐ a. Offense committed on release pending
felony trial (3142(d)(1)(A)(i))*
- ☐ b. Offense committed on release pending
imposition, execution, or appeal of

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- sentence, conviction or completion of sentence (3142(d)(1)(A)(ii))*
- ____ c. Offense committed while on probation or parole (3142(d)(1)(A)(iii))*
- ____ d. A citizen of a foreign country or unlawfully admitted person (3142(d)(1)(B))*
- ____ e. Crime of violence (3142(f)(1)(A))
- ____ f. Maximum sentence life imprisonment or death (3142(f)(1)(B))
- X g. 10+ year drug offense (3142(f)(1)(C))
- ____ h. Felony, with two prior convictions in above categories (3142(f)(1)(D))
- X i. Serious risk Defendant will flee (3142(f)(2)(A))
- X j. Danger to other person or community **
- ____ k. Serious risk obstruction of justice (3142(f)(2)(B))
- ____ l. Serious risk threat, injury, intimidation of prospective witness or juror (3142(f)(2)(B))

* requires "i" or "j" additionally

** requires "a", "b", "c", or "d" additionally

2. Reason For Detention. The Court should detain

Defendant (check all that apply):

- X a. Because there is no condition or combination of conditions of release which will reasonably assure Defendant's appearance as required (3142(e))
- X b. Because there is no condition or combination of conditions of release

which will reasonably assure the safety
of any other person and the community
(3142(e))

- _____ c. Pending notification of appropriate
Court or official (not more than 10
working days (3142(d))

3. **Rebuttable Presumption.** The United States
(will/will not) invoke the rebuttable presumption against
Defendant under Section 3142(e). If invoked, the presumption
applies because (check all that apply):

- X a. Probable cause to believe Defendant
committed 10+ year drug offense
- _____ b. Probable cause to believe Defendant
committed an offense under 18 U.S.C.
§ 924(c)
- _____ c. Previous conviction for eligible offense
committed while on pretrial bond

4. **Time For Detention Hearing.** The United States
requests that the Court conduct the Detention Hearing:

- _____ a. At first appearance
- X b. After continuance of _____ days (not more
than 3)

5. **Rule 40 Cases.** The United States requests that
the Detention Hearing be held:

- _____ a. In the District of Hawaii
- _____ b. In the District where charges were filed

6. Other Matters.

DATED: February 10, 2004, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By


KENNETH M. SORENSON
Assistant U.S. Attorney